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IN THE US PATENT & TRADEMARK OFFICE

APPLICANTS: WINKLER et al.

SERIAL #: 10/ 525,118 ATT. DOCKET: 870-003-186

FILED: 18 FEB. 2005

TITLE: MINI FAN TO BE FIXED IN A RECESS IN A WALL

EXAMINER: IGOR KERSHTEYN ART UNIT: 3745

TRANSMITTAL OF I.P.R. ON PATENTABILITY

Commissioner for Patents
PO BOX 1450
ALEXANDRIA VA 22313

Sir:

For the Examiner's consideration, Applicants transmit herewith:

Form PCT/IB/338 TRANSMITTAL OF TRANSLATION TO APPLICANT

Form PCT/IB/373 INT'L PRELIM. REPORT ON PATENTABILITY

Please note that Box V refers to the TRACY U.S.P. 5,208,730 and the QIU US 2002-0 060 900, both listed in the IDS filed as part of the US National Phase entry on 18 FEB. 2005. The written opinion considers that PCT claim 1 is patentable over TRACY and QIU.

Respectfully submitted,

Milton Oliver

Milton Oliver, Reg. # 28,333
CUST. # 4955
TEL: 203-261-1234
FAX: 203-261-5676

CERTIFICATE OF MAILING

The undersigned hereby certifies that this document is being deposited with the US Postal Service as first class mail, pursuant to 37 CFR 1.8, addressed to: Commissioner for Patents, PO BOX 1450, ALEXANDRIA VA 22313-1450 on JUNE 23, 2006.

Dorothy Tomasco
Dorothy Tomasco

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

RAIBLE, Tobias
Schoderstrasse 10
70192 Stuttgart
ALLEMAGNE

RAIBLE & RAIBLE
Patentanwälte

14 JUN 2006

Eingangsdatum

| | | |
|---------------------------------------------------------------|-------------------------------------------------------------------------|--|
| Date of mailing (day/month/year) 08 June 2006 (08.06.2006) | | |
| Applicant's or agent's file reference P61.12PCT295 | IMPORTANT NOTIFICATION | |
| International application No. PCT/EP2004/006102 | International filing date (day/month/year) 05 June 2004 (05.06.2004) | |
| Applicant EBM-PAPST ST. GEORGEN GMBH & CO. KG et al | | |

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

| | |
|-----------------------------------------------------------------------------------------------|---------------------------------------|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Authorized officer Ellen Moyse |
| Facsimile No.+41 22 740 14 35 | Facsimile No.+41 22 338 89 75 |

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Applicant's or agent's file reference P61.12PCT295 | FOR FURTHER ACTION | See item 4 below |
| International application No. PCT/EP2004/006102 | International filing date (<i>day/month/year</i>) 05 June 2004 (05.06.2004) | Priority date (<i>day/month/year</i>) 15 July 2003 (15.07.2003) |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | |
| Applicant EBM-PAPST ST. GEORGEN GMBH & CO. KG | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

| | |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35 | Date of issuance of this report 29 May 2006 (29.05.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Ellen Moyse</div> Telephone No. +41 22 338 89 75 |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

P61.12PCT295

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/006102

International filing date (day/month/year)

05.06.2004

Priority date (day/month/year)

15.07.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

EBM-PAPST ST. GEORGEN GMBH & CO. KG

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/006102

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/006102

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/006102

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

It follows from the different features mentioned above that the operation of mounting such mini fans can be carried out very straightforwardly and inexpensively.

The application is based on the problem of providing a mini fan which can easily be fastened in a recess of a wall.

The other documents which are cited in the search report, Documents D2 (US 5 208 730 A) and D3 (US 2002/060900 A1), disclose fans which are fastened on a wall by means of a support. The documents mentioned above thus do not give a person skilled in the art any technical teaching or advice which could lead him to the solution proposed in claim 1. The subject matter of claim 1 thus involves an inventive step (PCT Article 33(3)).

Claims 2-14 depend on claim 1 and meet the requirements of PCT Article 33(2) and 33(3).

The industrial applicability of the subject matter of claims 1-14 is not in any doubt. Claims 1-11 thus meet the requirements of PCT Article 33(4).